

Docket No.: HEART.017C2

Customer No. 20,995

## INFORMATION DISCLOSURE STATEMENT

Applicant : Richard D. Charnitski  
App. No. : 10/644,591  
Filed : August 19, 2003  
For : INERTIAL RESISTANCE EXERCISE APPARATUS AND METHOD  
Examiner : Mathew, Fenn C  
Group Art Unit : 3764

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed is form PTO-1449 listing thirty eight (38) references that are of record in U.S. patent application No. 09/947,226, filed September 4, 2001, now U.S. Patent No. 6,689,024, which is the parent of this utility application, and is relied upon for an earlier filing date under 35 U.S.C. § 120. Copies of the references are not submitted pursuant to 37 C.F.R. § 1.98(d).

This Information Disclosure Statement is being filed before the receipt of a first Office Action on the merits, and presumably no fee is required in accordance with 37 C.F.R. § 1.97(b)(3). If a first Office Action on the merits was mailed before the mailing date of this Statement, the Commissioner is authorized to charge the fee set forth in 37 C.F.R. § 1.17(p) to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

By: \_\_\_\_\_

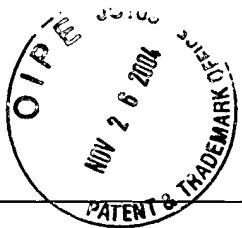
Glen L. Nuttal

Registration No. 46,188

Attorney of Record

Customer No. 20,995

(949) 760-0404



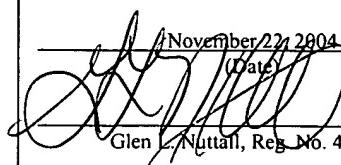
PATENT

Case Docket No. HEART.017C2  
Date: November 22, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Richard D. Charnitski  
Appl. No. : 10/644,591  
Filed : August 19, 2003  
For : INERTIAL RESISTANCE  
EXERCISE APPARATUS AND  
METHOD  
Examiner : Mathew, Fenn C  
Group Art Unit : 3764

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450, on

  
November 22, 2004  
(Date)  
Glen L. Nutall, Reg. No. 46,188

TRANSMITTAL LETTER

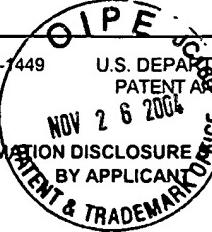
Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified application are:

- (X) An Information Disclosure Statement.
- (X) A PTO Form 1449 with thirty eight (38) references (none of which are enclosed).
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.
- (X) Return prepaid postcard.

  
Glen L. Nutall  
Registration No. 46,188  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

|  |  |                                 |                               |
|--|--|---------------------------------|-------------------------------|
| FORM PTO-1449<br><br>U.S. DEPARTMENT OF COMMERCE<br>PATENT AND TRADEMARK OFFICE<br><br>INFORMATION DISCLOSURE STATEMENT<br>BY APPLICANT<br><br>(USE SEVERAL SHEETS IF NECESSARY) |  | ATTY. DOCKET NO.<br>HEART.017C2 | APPLICATION NO.<br>10/644,591 |
|  |  | APPLICANT<br>Richard Chamitski  |                               |
|  |  | FILING DATE<br>August 19, 2003  | GROUP<br>3764                 |

## U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE       | NAME              | CLASS | SUBCLASS | FILING DATE (IF APPROPRIATE) |
|------------------|-----------------|------------|-------------------|-------|----------|------------------------------|
| 1                | 181,836         | 09/1876    | Graham            |       |          |                              |
| 2                | 196,435         | 10/23/1877 | F.A. Clifford     |       |          |                              |
| 3                | Des 231,424     | 04/09/74   | Hermann, et al.   |       |          |                              |
| 4                | 319,686         | 06/1885    | Farmer            |       |          |                              |
| 5                | 517,228         | 03/1894    | McCarthy          |       |          |                              |
| 6                | 595,594         | 12/1897    | Bartholomew       |       |          |                              |
| 7                | 684,688         | 10/15/01   | M. Herz           |       |          |                              |
| 8                | 770,994         | 09/1904    | White             |       |          |                              |
| 9                | 786,552         | 04/1905    | Duffner           |       |          |                              |
| 10               | 975,311         | 11/10      | Allabough         |       |          |                              |
| 11               | 1,006,470       | 10/1911    | Duffner           |       |          |                              |
| 12               | 1,783,376       | 12/30      | Duff              |       |          |                              |
| 13               | 1,869,673       | 08/1932    | Duff              |       |          |                              |
| 14               | 2,518,840       | 08/1950    | Tunstall          |       |          |                              |
| 15               | 3,729,861       | 05/1973    | Lemoine, Jack     |       |          |                              |
| 16               | 3,737,162       | 06/73      | Wood              |       |          |                              |
| 17               | 3,785,641       | 01/74      | Muffly            |       |          |                              |
| 18               | 3,841,627       | 10/15/74   | Vetter            |       |          |                              |
| 19               | 4,003,575       | 01/1977    | Hobbs             |       |          |                              |
| 20               | 4,077,626       | 03/1978    | Newman            |       |          |                              |
| 21               | 4,077,626       | 03/07/78   | Newman            |       |          |                              |
| 22               | 4,231,568       | 11/04/80   | Riley et al.      |       |          |                              |
| 23               | 4,328,965       | 05/82      | Hatfield          |       |          |                              |
| 24               | 4,422,636       | 12/27/83   | De Angeli         |       |          |                              |
| 25               | 4,632,392       | 12/86      | Peyton            |       |          |                              |
| 26               | 4,714,244       | 12/87      | Kolomayets, et al |       |          |                              |
| 27               | 4,844,450       | 07/04/89   | Rodgers, Jr.      |       |          |                              |

|  |                 |
|--|-----------------|
| EXAMINER   | DATE CONSIDERED |
| *EXAMINER: INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED, INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT. |                 |

|  |  |                                 |                               |
|--|--|---------------------------------|-------------------------------|
| FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE<br>PATENT AND TRADEMARK OFFICE |  | ATTY. DOCKET NO.<br>HEART.017C2 | APPLICATION NO.<br>10/644,591 |
| INFORMATION DISCLOSURE STATEMENT<br>BY APPLICANT                         |  | APPLICANT<br>Richard Charnitski |                               |
| (USE SEVERAL SHEETS IF NECESSARY)  |  | FILING DATE<br>August 19, 2003  | GROUP<br>3764                 |

## U.S. PATENT DOCUMENTS

| EXAMINER INITIAL |    | DOCUMENT NUMBER | DATE     | NAME           | CLASS | SUBCLASS | FILING DATE (IF APPROPRIATE) |
|------------------|----|-----------------|----------|----------------|-------|----------|------------------------------|
|                  | 28 | 4,953,854       | 09/04/90 | Pizur, Sr.     |       |          |                              |
|                  | 29 | 4,953,855       | 09/04/90 | Shields        |       |          |                              |
|                  | 30 | 5,242,351       | 09/07/93 | Berg, et al.   |       |          |                              |
|                  | 31 | 5,399,136       | 03/21/95 | Bart           |       |          |                              |
|                  | 32 | 5,509,878       | 04/23/96 | Denega, et al. |       |          |                              |
|                  | 33 | 6,283,899       | 09/2001  | Charnitski     |       |          |                              |
|                  | 34 | 6,689,024       | 02/2004  | Charnitski     |       |          |                              |

## FOREIGN PATENT DOCUMENTS

| EXAMINER INITIAL |    | DOCUMENT NUMBER | DATE  | COUNTRY | CLASS | SUBCLASS | TRANSLATION |    |
|------------------|----|-----------------|-------|---------|-------|----------|-------------|----|
|                  |    |                 |       |         |       |          | YES         | NO |
|                  | 35 | 0611623         | 06/78 | SU      |       |          |             |    |
|                  | 36 | 1405856         | 06/88 | SU      |       |          |             |    |
|                  | 37 | 3042430         | 06/82 | DE      |       |          |             |    |
|                  | 38 | 3011404         | 10/81 | DE      |       |          |             |    |

|                  |  |  |
|------------------|--|--|
| EXAMINER INITIAL | OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.) |  |
|                  |  |  |
|                  |  |  |
|                  |  |  |
|                  |  |  |

H:\DOCS\GLN\GLN-8306.DOC/112004

|  |                 |
|--|-----------------|
| EXAMINER   | DATE CONSIDERED |
| *EXAMINER: INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED, INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT. |                 |